

IN THE SENATE OF THE UNITED STATES.

MARCH 23, 1880.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1154.]

The Committee on Military Affairs, to whom was referred the bill (S. 1154) for the relief of the legal representatives of William O. Redden, have duly considered the same, and submit the following report:

This bill directs the Secretary of War to place the name of William O. Redden on the roll as colonel of the Third Delaware Infantry Volunteer Regiment, as of the date of January 1, 1862, and the Secretary of the Treasury to pay to his legal representatives the pay and emoluments of colonel from January 1, 1862, to May 15, 1862, and the further sum of \$1,905 in full compensation for money expended by said Redden in recruiting, enrolling, and subsisting the soldiers of said regiment. No papers or evidence accompanied the bill. Your committee referred the bill to the Secretary of War for information and received through him the following report, to wit:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., February 27, 1880.

SIR: I have the honor to return herewith the communication of Hon. F. M. Cockrell, United States Senator, inclosing S. bill No. 1154 for the relief of the legal representatives of Col. William O. Redden, late of the Third Regiment Delaware Infantry Volunteers, and requesting to be furnished with the military history of said officer, together with certain information relative to his case, and to report that there are no original muster-in rolls of the field and staff, or of any of the companies of the Third Regiment Delaware Infantry Volunteers, on file in this office, and consequently there is no record of the muster-in of William O. Redden as its colonel.

On October 28, 1861, Col. Samuel H. Jenkins, of Dover, Delaware, was authorized by the War Department to raise the Third Delaware Infantry Volunteers. Considerable difficulty existed in organizing the regiment, notwithstanding the time for raising it had been extended by the Secretary of War. This difficulty resulted in William O. Redden being commissioned by the governor, and he was paid as of said grade from May 15, 1862. He is borne as colonel on all rolls of field and staff from May to December 6, 1862, on which latter date he was honorably discharged on tender of resignation by special orders No. 344, paragraph 1, series of 1862, from headquarters Army of the Potomac; he received pay, however, as of said grade and regiment to January 20, 1863. There is no record evidence that Colonel Redden rendered service or that he was in any manner connected with the Third Delaware Volunteers prior to May 15, 1862. It is not known on what date he was actually commissioned as of the grade claimed, but the adjutant-general of Delaware, in a report to this office, states "that William O. Redden joined for service and was mustered into service as colonel of the Third Regiment Delaware Volunteers May 15, 1862."

The dates of organization and muster into the service of the United States of each of the companies of this regiment, as far as shown by the records, are as follows:

Company A enrolled from October 8 to December 28, 1861, at Wilmington, Del., alleged mustered in December 30, 1861.

Company B enrolled from October 12 to December 20, 1861, alleged mustered in December 31, 1861, at Salisbury, Del. Company numbered but 68 enlisted men.

Company C enrolled from November 30, 1861, to April 16, 1862, alleged mustered in at Camp Fisher, near Camden, Del., April 16, 1862. Company numbered but 56 men.

Company D enrolled from January 20 to March 7, 1862, alleged mustered in March 7, 1862, at Camp Fisher, near Camden, Del.

Company E enrolled from January 1 to April 3, 1862, alleged mustered in at Camden, Del., April 3, 1862.

Company F enrolled from January 1 to March 17, 1862, alleged mustered in April 1, 1862, at Camp Fisher.

Company G enrolled from February 1 to April 1, 1862, alleged mustered in at Camp Fisher, April 1, 1862. Company numbered but 78 enlisted men.

Company H enrolled from November 1, 1861, to April 14, 1862, incomplete company of 58 enlisted men, alleged mustered in at Camp Fisher, May 6, 1862.

Company I enrolled from November 17, 1861, to April 28, 1862, alleged mustered in at Wilmington, Del., from dates of enrollment.

Company K enrolled from October 7, 1861, to May 22, 1862, incomplete company of 59 enlisted men, alleged mustered in May 15, 1862.

Companies A and B were attached to the Second Delaware Volunteers as companies L and M until the middle of February, 1862.

Samuel H. Jenkins commanded the organization, with rank of lieutenant-colonel, until May 15, 1862.

Under the provisions of War Department General Orders No. 61, of 1861, a colonel is only entitled to be mustered into the service of the United States on the completion by muster in of the entire regiment for which commissioned, unless the command is, by proper authority, ordered into active service prior to its completion.

The Third Regiment Delaware Infantry Volunteers failed to complete its organization, but in an incomplete state (numbering 750 men) was ordered into active service and left the State of Delaware for Harper's Ferry on May 25, 1862, and under the regulations of the department Colonel Redden is entitled to muster only from that date.

The following named officers of the field and staff appear on the muster-roll for May and June, 1862 (first roll of field and staff on file): Lieutenant-colonel, Samuel H. Jenkins; major, Arthur Maginnis; surgeon, William Marshall; assistant-surgeon, T. E. Dawson; adjutant, William R. Aldred; regimental quartermaster, Edmund Townsend; chaplain, Thomas W. McClary.

There is no record of the muster in of any of the above named excepting Major Maginnis, who was mustered in as of his grade on May 26, 1862.

The records of the Third Delaware Volunteers fail to credit Colonel Redden with raising the companies of the regiment, and there is no record of any expenses incurred by him therefor; on the contrary, the records of this office show that large sums of money were placed in the hands of Maj. Henry B. Judd, U. S. A., and Lieutenant Derrickson, U. S. A., to pay all expenditures for recruiting, enrolling, and subsisting soldiers for the Third Delaware Volunteers.

The amounts appropriated by Congress to reimburse the State of Delaware for expenses incurred in raising troops can best be definitely ascertained from the records of the Third Auditor's Office, Treasury Department.

No claim appears to have ever been received at this office from Colonel Redden or his heirs for reimbursement of expenses incurred in recruiting for and subsisting the soldiers of his regiment, but in February, 1863, he presented through George W. Ford, esq., attorney at law, Philadelphia, Pa., a claim for pay as colonel, Third Delaware Volunteers, from January 15 to May 15, 1862, consisting only of his own affidavit, upon which no action appears to have been taken.

The foregoing is viewed as embracing objections to the proposed bill.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

To the Hon. SECRETARY OF WAR.

From the foregoing, which is all the evidence before your committee, Colonel Redden, under the laws and regulations, was only entitled to pay from May 25, 1862, to December 6, 1862, the date of his voluntary resignation and its acceptance, and yet he received the pay of a colonel from May 15, 1862, to January 20, 1863, being more than one and two-thirds months pay over and above what he was entitled to. There is no foundation, therefore, for the claim in this bill for the pay and emoluments of a colonel from January 1 to May 15, 1862. As to the claim

for \$1,905 alleged to have been expended by him in recruiting, enrolling, and subsisting the soldiers of said regiment, the records show that "large sums of money were placed in the hands of Maj. Henry B. Judd, U. S. A., and Lieutenant Derrickson, U. S. A., to pay all expenditures for recruiting, enrolling, and subsisting soldiers of the Third Delaware Volunteers." If Redden made the expenditures claimed, and they were legitimate, the money was ready in the hands of the proper officers to repay the same, upon the presentation by him of proper vouchers therefor. It was his duty to so present his vouchers and be reimbursed. After the lapse of 18 years, without the presentation of any claim for the reimbursement of such expenses, and without any explanation of his own failure and neglect to so present his vouchers, or to present his claim to the proper department, there is a reasonable presumption that he did his duty, and presented his vouchers and was reimbursed for all legitimate expenditures.

In addition to the foregoing, on July 27, 1861, Congress passed an act entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," which appropriated an indefinite amount of money for that purpose, and millions of dollars were placed in the hands of the War Department to pay expenses "for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting" State troops employed and to be employed in aiding to suppress the insurrection. Ever since the passage of said act of July 27, 1861, the several States have been presenting claims under said act which are reported to be, in the aggregate, \$53,221,502.98. Of this sum, there is stated to have been allowed and paid \$44,430,139.44, and to have been suspended or disallowed \$8,791,363.54. It is stated in a report made by Hon. E. W. Keightly, Third Auditor of the Treasury, to Hon. Alex. Ramsey, Secretary of War, under date of January 24, 1880, that since April 15, 1861, there has been paid to the State of Delaware, from 1861 to 1879, \$31,988.96, and that balances to the amount of \$46,196.87 are still claimed by the State of Delaware. Congress is not a fit or proper tribunal for the investigation, examination, auditing, and allowing, at this late day, claims for expenses incurred by individual claimants in enrolling, recruiting, and subsisting soldiers during the late war. Congress cannot be expected to devote the time, labor, and attention necessary to enable it to ascertain whether the particular items of such claims were proper and legitimate, and actually paid out by the claimants, and not reimbursed by the proper officers of the United States in whose hands large sums were placed for these express purposes, or by the proper accounting officers of the War and Treasury Departments, or by the respective States which have been reimbursed large sums of money for these purposes. This mere statement of what Congress would necessarily have to do in passing upon such claims shows the impossibility of such work. Ample provision has been made for their investigation and payment, both by the proper disbursing officers of the Army and by the proper departments of the government. It is not the fault of Congress that individual claimants may have failed, neglected, or refused to avail themselves of these provisions.

Your committee, therefore, recommend that the claim presented in this bill be not allowed, and that the bill be indefinitely postponed. H. 3004

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